

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

IN RE: PETITIONS FOR APPLICATION OF
RETROACTIVE 2023 CRIMINAL HISTORY
AMENDMENTS TO THE SENTENCING GUIDELINES

STANDING ORDER

This Standing Order applies to all cases assigned to Judges Lauck, Novak, Young, Hudson, Gibney, and Payne in the Richmond Division.

Under the Criminal Justice Act, 18 U.S.C. § 3006A(a)(1) & (c), and 28 U.S.C. § 1915(e)(1), the United States Probation Office for the Eastern District of Virginia is hereby directed to prepare recalculation worksheets for those offenders impacted by the United States Sentencing Commission's ("the Commission") amendments to the Sentencing Guidelines that would designate a lesser criminal history status in accordance with 18 U.S.C. § 3582(c)(2) based on the retroactive 2023 Criminal History Amendments to the Sentencing Guidelines as set forth in Part A of Amendment 821 (Status Points under § 4A1.1) and Part B of Amendment 821 (Zero-Point Offenders).

The Commission's amendments, effective November 1, 2023, impose important changes to the advisory Sentencing Guidelines. In relevant part, Amendment 821 (1) reduces "status points" for certain offenders with less serious criminal histories and (2) provides for a decrease of two offense levels for individuals with zero criminal history points and whose offense did not involve specific aggravating factors. U.S. Sentencing Comm'n., *Amendments to the Sentencing*

Guidelines (August 31, 2023).¹ On August 24, 2023, the Commission voted to give retroactive effect to these provisions of Amendment 821. *Id.*

The Court hereby ORDERS the Probation Office to prepare Retroactive Worksheets in each case presumptively impacted by Amendment 821. Those worksheets shall be filed as a sealed ECF sent to the counsel of record at the time of sentencing. Within fourteen (14) days of receiving the ECF, counsel of record shall acknowledge receipt and may seek reappointment.

The United States Probation Office for the Eastern District of Virginia and the United States Clerk's Office for the Eastern District of Virginia may disclose to counsel Presentence Investigation Reports, Judgments in a Criminal Case, including sealed Judgments, Statements of Reasons, Motions for Departure based on Substantial Assistance, under seal documents pertinent to sentencing, and other documents as necessary defense counsel to determine whether particular defendants are eligible for a sentence reduction under the retroactive amendments.

Entered this 31st day of October, 2023.



/s/ M. Hannah Lauck
UNITED STATES DISTRICT JUDGE

¹ Document available at https://www.ussc.gov/sites/default/files/pdf/amendment-process/reader-friendly-amendments/202308_RF-retro.pdf [<https://perma.cc/7J5V-YKNY>].